

**R430. Health, Health Systems Improvement, Child Care Licensing.**

**R430-60. Hourly Child Care Center.**

**R430-60-1. Legal Authority.**

This rule is promulgated pursuant to Title 26, Chapter 39.

**R430-60-2. Purpose.**

The purpose of this rule is to establish standards for the operation and maintenance of hourly care child care centers. It establishes minimum requirements for the health and safety of children in licensed programs.

**R430-60-3. Definitions.**

"Direct Supervision" means that the care giver must be able to see and hear the children, and be near enough to intervene when needed.

**R430-60-4. License Required.**

A person must obtain an hourly child care center license if he:

- (1) provides child care not in a personal residence;
- (2) provides care for five or more children for less than 24 hours a day, but not on a regular schedule; and
- (3) receives direct or indirect compensation.

**R430-60-5. Administration and Organization.**

(1) The licensee of the program shall exercise supervision over the affairs of the program and assure:

(a) compliance with federal, state, and local laws and for the overall organization, management, operation and control of the facility;

(b) establishment and implementation of policies and procedures for the health and safety of children in the center; and

(c) appointment of a qualified director who shall assume full responsibility for the day-to-day operation and management of the facility.

(2) The director of the hourly care program shall have the following qualifications:

- (a) be at least 21 years of age;
- (b) have knowledge of applicable laws and rules;
- (c) except for directors of a program licensed before June 1, 1998, the director must have a high school diploma or GED equivalent; and:
  - (i) a bachelor's or associate's degree in Early Childhood Education or Child Development; or
  - (ii) a bachelor's degree in a related field with documented four courses of higher education completed in child development; or
  - (iii) a national or state certification such as Certified Childcare Professional, National Administrator Credential, Child Development Associate (CDA); or
  - (iv) two years experience in child care, elementary

education, or a related field.

(3) The director shall ensure that adequate direct supervision is maintained whenever the program is operating. The care giver-to-child ratios established in R430-60-9 are minimum requirements only. The director shall ensure that policies exist to adjust these ratios when the age and number of children require additional care givers to maintain adequate levels of supervision and care.

**R430-60-6. Personnel.**

(1) The director shall ensure that each care giver and volunteer who has direct contact with or access to children are oriented to the licensed program and successfully completes the required training before starting assigned duties. The completion of the orientation must be documented in the individual's personnel record. The orientation training must include:

- (a) procedures for maintaining health and safety, and handling emergencies and accidents;
- (b) specific job responsibilities;
- (c) child discipline procedures of R430-60-8; and
- (d) reporting requirements for witnessing or suspicion of abuse, neglect and exploitation.

(2) All care givers employed to meet the minimum care giver to child ratios who provide services shall be at least 18 years of age or have completed high school or a GED. In addition to the required staff ratios, an individual who is 16 years old, if he works under the direct supervision of a competent care giver, may provide childcare services.

(3) There shall be at least one care giver on duty in the center during business hours who has a current certification in basic child and infant first-aid and Cardiac Pulmonary Resuscitation (CPR), and training in the Heimlich maneuver for treatment of an obstructed airway. First-aid and CPR certification refers to courses given by the American Red Cross, the Utah Emergency Medical Training Council, or other courses that the licensee can demonstrate to the Department to be equivalent;

(4) All care givers shall receive a minimum of 10 hours of documented in-service training annually. At least five hours of in-service training shall be in person from a person not affiliated with the license holder. The training shall include the following:

- (a) accident prevention and safety principles;
- (b) positive guidance for the management of children;
- (c) child development; and
- (d) age appropriate activities for children.

(5) If childcare is provided to children under the age of two, the following in-service topics are required:

- (a) Preventing Shaken Baby Syndrome;
- (b) Coping with crying babies; and
- (c) Preventing Sudden Infant Death Syndrome.

(6) The licensee shall ensure that all care givers complete in-service training, and a record of the fact is made

in the care giver's personnel record. The record must include the date training was completed, the topics covered, and trainer's name and organizational affiliation.

(7) The director shall ensure that all care givers are screened for tuberculosis using the Mantoux tuberculin skin test method within two weeks of assuming care giver responsibilities. Tuberculin skin testing does not need to be repeated during the employment period unless the employee develops signs and symptoms of the disease, as determined by a health care professional.

(a) All care givers with a skin test that indicate potential exposure to tuberculosis shall receive a medical evaluation for tuberculosis disease.

(b) All care givers who have documentation of previous positive reaction to the Mantoux tuberculin skin test shall present documentation of completion of therapy for tuberculosis infection or evidence of a negative chest radiograph within the past 12 months.

(c) Repeated chest radiographs are not required unless the care giver develops signs and symptoms of tuberculosis disease, as determined by a health care professional.

#### **R430-60-7. Records.**

(1) The licensee shall ensure that the parent or legal guardian completes an admission agreement, which identifies the following:

(a) child's full name and nickname;

(b) parent's name and emergency numbers, if the parent will not be on-site;

(c) attestation statement and health evaluation identifying:

(i) allergies; and

(ii) medical conditions, including a certification that all immunizations are current; and

(d) name of the child's physician.

(2) The facility shall maintain staff records to include:

(a) Background screening records; and

(b) In-service training records.

#### **R430-60-8. Child Discipline.**

(1) The licensee shall inform all care givers, parents or guardians and children of expected conduct by setting clear and understandable rules.

(2) Disciplinary measures shall be implemented so as to encourage the child's self-control. Disciplinary measures shall be explained to the child at the time the discipline is imposed and may include:

(a) positive behavioral rewards;

(b) other forms of positive guidance;

(c) redirection; or

(d) time out.

(3) Care givers shall not do any of the following:

(a) give corporal punishment, including hitting,

shaking, biting, pinching, or spanking;

(b) restrain a child's movement by binding or tying;

(c) use abusive, demeaning or profane language;

(d) withdraw food or bathroom opportunities; or

(e) confine a child in a locked closet, room, or similar area.

(4) "Time out" that enables the child to regain control of himself or herself and that keeps the child in visual contact with the care giver shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the individual child.

(5) For children 18 months and older "tantrums" shall be interrupted every three minutes until control is obtained.

#### **R430-60-9. Care Giver to Child Ratios.**

(1) The licensee must maintain minimum care giver to child ratios as provided in Table 1.

TABLE 1  
Minimum Care giver to Child Ratios

Care giver	Children	Limits for Mixed Ages
1	12	No children under age 2
1	8	3 children under age 2
1	6	4 children under age 2

(2) Regardless of the number of other children and the minimum ratios in Table 1, if only two care givers are present, the facility may not care for more than four children under the age of two.

(3) For no more than 20 minutes, the minimum ratios in Table 1 may not exceed one care giver to 16 children if none of the children are younger than 24 months old, to allow for an additional care giver to arrive at the program.

(4) An hourly program that exceeds the ratio in Table 1, must be able to document having care givers, who, as a condition of their employment, are on call to come to the program as needed and arrive at the program within 20 minutes after receiving notification to report.

(5) Whenever the total number of children present to be cared for at a hourly program is more than 20, children younger than 24 months must be cared for in an area that is physically separated from older children. All children 24 months old and older may be cared for in the same group in the same area.

(6) A child of an employee or owner age four or older will not be counted for determining care giver to child ratios.

#### **R430-60-10. Medications.**

(1) If an hourly child care provider chooses to administer medications to a child then a trained, designated care giver shall administer medications.

(2) Training for the administration of medications shall

include the following:

- (a) over-the counter and prescription medications must be in the original or pharmacy container;
  - (b) have the original label;
  - (c) include the child's name;
  - (d) have child proof caps; and
  - (e) have instructions for administration.
- (3) The parent or guardian must complete a medication release form for each child receiving medications at the facility that contains:
- (a) the name of the medication;
  - (b) the dosage;
  - (c) the route of administration;
  - (d) the times and dates to be administered;
  - (e) the illness or condition being treated; and
  - (f) the parent or guardian signature.
- (4) Medication records shall be maintained that include:
- (a) the times, dates, and dosages of the medications given;
  - (b) the signature or initials of the care giver who administered the medication; and
  - (c) documentation of any errors in administration or adverse reactions.
- (5) The director or designee shall report any adverse reaction to a medication or error in administration to the parent or legal guardian immediately upon recognizing the error or reaction.
- (6) Medications shall be secured from access to children.
- (7) Medications stored in refrigerators shall be in spill-proof packaging and shall be kept in a covered, leakproof storage container.
- (8) Unused medications shall be returned to the parent or guardian. Out-of-date medications shall be promptly discarded or returned to the parent or guardian to be destroyed.

**R430-60-11. Parent Notification and Child Security.**

- (1) The director shall establish a procedure for care givers to check who has written authorization to pick up children. Only parents or persons with written authorization from parents shall be allowed to take any child from the facility, except that verbal authorization may be used in emergency situations. The director shall ensure a sign in and sign out document for the past three months is maintained for Department review.
- (2) The director shall ensure that the parents or guardians are informed of all injuries and incidents that occur during the child's stay at the program. A written report shall be provided to the parents, and notification shall occur at the time that the injury or incident occurs if medical treatment is required. At the time of admission, the director shall obtain a signed permission form from the parent or legal guardian for emergency medical treatment.

(3) The director shall develop a policy to address how long a child may cry before the parent is contacted.

**R430-60-12. Activities.**

(1) The licensee shall have an array of activities and sufficient supplies at the center, which are appropriate for the age and development of the children accepted for care.

(2) There shall be a minimum of 35 square feet per child of indoor play area for each child in care under age 14.

(3) If an outdoor play area is available, the area shall have at least 40 square feet for each child using the play area at any given time for each child in care under age 14.

(4) Outdoor play areas shall be fenced or have a natural barrier that provides protection from unsafe areas. Fences shall be at least four feet high. If local ordinances conflict, the director may request a variance from the Department. Any gaps within the fence shall not be greater than three and one-half inches. The bottom edges of fence shall not be more than three and one-half inches above the ground.

**R430-60-13. Fire, Sanitation, and Safety.**

(1) The licensee shall have a written emergency and disaster plan in case of fire, flood, earthquake, blizzard, power failure or other disasters that could create structural damage to the facility or pose a health hazard. The director shall hold simulated fire drills monthly and semi-annual disaster drills. The director shall document all drills, including date, participants, and problems encountered.

(a) The director shall post evacuation routes which indicate the location of fire alarm boxes and fire extinguishers in prominent locations throughout the center. Each center shall have approved fire extinguishers and be inspected by the local fire authority annually.

(b) The licensee shall ensure that the telephone service is in working order, unless there is a utility failure, and inform the Department of the current phone number.

(c) The names and telephone numbers of the emergency medical personnel, fire department, police, poison control and license holder shall be posted by the telephone.

(2) A person may not smoke or use tobacco in any child care facility during the period of time a child is present in the facility. All lighters and matches shall be inaccessible to children.

(3) The director of the facility shall establish written policies and monitor the facility to ensure that the use of tobacco in any form, the use of alcohol, the ingestion of any substance (including prescription medications) in amounts known to compromise responsible judgement, and the use of or possession of illegal substances or sexually explicit materials are prohibited by any person anywhere on the premises during the hours of operation when children are under care.

(4) The toilet rooms of the hourly program must be

cleaned and disinfected daily.

(5) If the program accepts a child in a diaper, then the diaper shall be changed only in a designated diaper changing area. The designated area shall:

(a) have diaper changing procedures posted;

(b) be separate from food storage, food preparation, and eating areas.

(c) have a hand sink equipped with soap, hot and cold running water within three feet of the diaper-changing surface; and

(d) have a smooth nonabsorbent diaper changing surface and a sanitary container for soiled and wet diapers.

(6) Care givers shall change a child's clothing when it is soiled with fecal material or urine and place the clothing into a leakproof container to be sent home with the parent or legal guardian. Clothing soiled with feces or urine shall not be rinsed at the facility.

(7) Hand washing policies shall be followed to assure protection from contamination and the spread of microorganisms. Hand washing procedures shall be posted at all hand washing sinks.

(a) Care givers shall wash and scrub their hands for 20 seconds with soap and warm running water at times specified in policy.

(b) Care givers shall teach children proper hand washing techniques and oversee hand washing whenever possible.

(c) Care givers and children shall wash their hands after using the toilet, before and after eating and before and after food preparation.

(8) The licensee shall provide the following supplies and make them accessible to children: toilet paper, liquid hand soap, facial tissues, and single use paper towels or warm air hand dryers.

(9) The director shall keep and maintain a first aid kit and a portable blood and bodily fluid clean-up kit. All care givers shall know the location of and how to use the kits.

(10) Equipment and furniture must be durable, in good repair, structurally sound, and stable following assembly and installation.

(a) Equipment must be free of sharp edges, dangerous protrusions, openings where a child's extremities could be pinched or crushed, and openings or angles that could trap part of a child's body.

(b) Tables, chairs, and other furniture must be appropriate to the age and size of children who use them. High chairs must have safety straps.

(c) Toys and equipment that are likely to be mouthed by infants and toddlers must be made of a material that can be disinfected. These must be cleaned and disinfected when mouthed or soiled and at least daily.

(d) Sharp objects, medicines, plastic bags, and poisonous plants and chemicals, including household supplies, must be stored out of reach of children.

(e) Electrical outlets accessible to children shall be

protected or capped with safety devices.

(f) All pieces of outdoor playground equipment shall be surrounded by a resilient surface of loose cushioning, at least nine inches in depth, or mats manufactured for such use, consistent with the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing and Materials. All indoor playground equipment, for example slides and climbers, shall be surrounded by cushioning materials, such as mats, in a six foot fall zone. Indoor play equipment shall not exceed three feet at the highest point.

(g) The areas used by children must be free from debris, loose flaking, peeling, or chipped paint, loose wallpaper, or crumbling plaster, litter, and holes in the walls, floors and ceilings. Rugs must have a non-skid backing or be firmly fastened to the floor and be free from tears, curled, or frayed edges, and hazardous wrinkles.

(h) Infant walkers with wheels are not permitted in hourly childcare programs.

(11) Hot water accessible to children shall be maintained between the temperature of 110 degrees Fahrenheit and 120 degrees Fahrenheit.

(12) The licensee shall take effective and safe measures to prevent, control, and eliminate the presence of insects, rodents, and other vermin on the premises.

(13) There shall be adequate housekeeping services to maintain a clean and sanitary environment.

(14) Entrances, exits, steps, and outside walkways shall be maintained in a safe condition, free of ice, snow and other hazards.

(15) The center shall maintain air temperatures between 72 degrees Fahrenheit and 85 degrees Fahrenheit as measured 30 inches above the floor. Infant care areas shall maintain temperatures of at least 70 degrees Fahrenheit at floor level.

(16) If sleeping equipment or mats are provided for rest time, all mats and sleeping equipment shall be cleaned and sanitized weekly, and prior to use by another child.

(17) There shall be at least one toilet and lavatory for each 15 children. Care givers shall directly supervise children when using bathrooms that are available to the general public.

#### **R430-60-14. Animals.**

(1) If the facility permits animals in the facility:

(a) the animals shall be clean and in good health;

(b) the animals shall be confined in enclosures, hand held, under leash control, or under voice control;

(c) the animals shall have current vaccination records available at the facility for all diseases transmissible to humans;

(d) the animals shall have no history of dangerous or aggressive behavior; and

(e) the animals shall be excluded from food preparation, storage or dining areas.

(2) Children shall not assist with the cleaning of



animals, animal cages, pens or animal equipment.

(3) The director shall inform the parent or legal guardian of any known allergic or immune suppressed child of the types of animals kept at the facility.

(4) Children shall not be permitted to handle reptiles, including turtles and lizards.

#### **R430-60-15. Food Service.**

(1) If food service is provided, the center's food service shall comply with the Utah Department of Health Food Service Sanitation Regulations, R392-100, and with the local health department food service regulations.

(2) If the local health department completes an inspection, the most recent inspection report shall be maintained at the center for review by the Department.

(3) All food served in the center by care givers for the children in care shall be from an approved source as provided in R392-100.

(a) Food brought in by parents for service to other children must be from an approved source or commercially prepared;

(b) Food brought in by parents for individual child use must be labeled with the child's name.

(4) All care givers who prepare or serve food and snacks must have a food handler's permit.

(5) Children's food shall be served on plates, napkins or other sanitary holders, which includes a high chair tray. Multiple use sanitary holders shall be washed, rinsed, and sanitized with a sanitizer approved in R392-100 for food contact surfaces prior to each use. Food shall not be placed on a bare table or other eating surface.

(6) If a food service is provided, care givers shall serve meals and snacks according to the center policy, but at least once every three hours.

(7) Children and infants shall be served special diets, formula, breast milk, or food supplements in accordance with the written instructions from a parent or legal guardian.

(8) Baby food must be refrigerated after opening, marked with the date and time and discarded if not consumed within 24 hours.

(9) Infant formula and breast milk shall be discarded after feeding or within two hours of initiating a feeding.

(10) If an infant is unable to sit upright and hold his own bottle, a care giver shall hold the infant during bottle feeding.

#### **R430-60-16. Penalty.**

Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6 and Section 26-39-108.

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